(1)

Supreme Court, U.S.
FILED

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OFFICE OF THE CLERK

No.

In The

Supreme Court of the United States

Arthur Kungle Jr

vs.

Innovative Properties et al

On Petition for Writ of Certiorari to the
Maryland Court of Appeals

PETITION FOR WRIT OF CERTIORARI

Arthur Kungle Jr, pro se,
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Annapolis, Md 21404-0365
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QUESTIONS PRESENTED

I. Whether a state judiciary can repugnantly get away with denying a citizen's privileges & immunities of national citizenship: for reliance on the federal constitution, the Supreme Court & international agreements, especially with regard to fundamental rights/duties , process due & Issues of equality?

Interlude Alpha: Noble Vision of Struggle for Liberty

II. Whether a state, can encourage & allocate limited speech & association, with authorized homeowner association controls--or property controls of liberty--then deny trial or process due, application of equal protection to itself, or fundamental freedoms for it's citizens, & rely on state decisions & rules in order to deny federal questions & evade federal review, without proving being repugnant to the federal constitution & international agreements?

Interlude Beta: Dirty Version of Maryland History

III. Whether a state can favor a ruling class/power elite/status groups of lawyers & judges over citizens because of the content of signs attacking political & judicial irresponsibility for denying all citizens everywhere, all the time our American Constitutions & calling for a rebirth of freedom & return to the American Revolution, and avoid the jurisdiction & review of this court on fundamental questions of federalism & international agreements?

LIST OF ALL PARTIES TO PROCEEDING

Petitioner:

Arthur Kungle Jr,(=citizen)
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Annapolis, Md 21404-0365
ajkjr6@yahoo.com ,
Mess. only 410-263-8241

Respondents:

1. Innovative Properties, Inc.(=IP)
   435 Fourth St., Annapolis, Md 21403
2. Gentry Homeowners Association(=Gentry HOA)
   C/o Loughlin Group
   60 West St., Annapolis, Md 21401
3. The Loughlin Managment Group(=Loughlin)
   60 West St., Annapolis, Md 21401
4. C. S. Lawn & Landscaping (=CS)
   2133 Defense Highway,
   Crofton, Md 21144

Respondents' Fine Counsel:

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PROVISIONS RELIED UPON

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c. 40. To no one will we deny justice 9, 10, App.-12
d. 60. Do unto others... 9, App.-12
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a. Preamble 8, App.-12
b. Art IV. Privileges & immunities 8, App.-13
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k. Due process 10, App.-14
l. & equal protection 10, 13, App.-14
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c. 2. Federal supremacy.. 8, App.-15
d. 3. Powers not delegated 8, App.-15
e. 5. Common law guaranteed App.-15
f. 6. All government but judges responsible Duty to revolt 11, 14, App.-16
g. 19. Magna Carta 40, imp. Coke 10, App.-16
h. 24. = Magna Carta 39, 10, App.-16
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i. 36. Religious duty to God (not man) App.-17
j. 40. Liberty of press, Citizens allowed only privilege of "free" speech 8, 15, App.-17
k. 45. Retained rights. 8, App.-17
l. 41. Against monopolies 14, App.-18
4. Statutes of the United States
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Sec. 1341 Mail fraud 16, App.-18
b.28 U.S.C. 1257 (2) State Courts: cert. 2, App.-19
c.42 U.S.C. 1983 Civil rights act 8, App.-19
d.42 U.S.C. 1985(c) KKK Act v. denial of privileges & immunities or equal protection of law 8, App.-20
5. Statutes of Maryland
a. No man condemned without his answer (1354) ((due proces de lei)) 10, App.-20/1
b. Maryland Unf. Declaratory Jdgmnt Act 10
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.3 #3-403 Jurisdiction App.-21
.5 #3-405 Role of Attorney General App.-21
.6 #3-406 Rights, status....determined App.-22
.9 #3-409 Discretionary Relief. App.-22
.11#3-411 Form & effect App.-22
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(a)Rules & Regulations, App.-23
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d. Maryland Homeowners Association Act 12
.1 #11B-101 Def., common areas... App.-23
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.2 #11B-111.2 Candidate/prop. signs	App.-23/4
.3 #11B-111.3 Ltd. written distribution	App.-24
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Treaties & International Agreements
(Lillich, International Human Rights Instruments (1999) & signatures of Presidents Carter & Ford guaranteeing USA compliance in custody of OAS & Helsinki conference)

8. OAS American Declaration of
.1 Rights & Duties of Man --- 8, 9, 15
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..2 Art. 2. All equal with rights & duties App.-30
.3 Art. 3. Personal Freedom of religion App.-30
.4 Art. 4. Personal freedom of investigation
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.17 Art. 17. Basic civil rights. App.-31
.18 Art. 18. Legal remedy on fundamentals App.-31
.21 Art. 21. Personal freedom to assemble App.-31
..22 Art. 22. Personal freedom to associate App.-31
.24 Art. 24. Personal freedom to petition App.-31
.25 Art. 25. Due process for all App.-31
.28 Art. 28. Rights balanced with duties. App.-32
.29 Art. 29. Duty of each to respect others App.-32
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9. UN Universal Declaration of Human Rights: 8, 9,15
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Defense of fundamental rights App.-34
.9. No arbitrary exile. App.-34
.10. Equality of equity. App.-35
.17. Everyone' s right to property
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.29. Everyone's duty to community & App.-35
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CITATION OF UNOFFICIAL REPORT OF OPINIONS & ORDERS IN THE CASE

1. Order of the Circuit Court of Maryland for Anne Arundel County, Case No. C-98-49834 Dismissal without trial April 26, 1999, Appendix A, App. -1
2. Unreported Opinion of the Court of Special Appeals of Maryland, No. 570, Sept. Term, 1999, Appeal denied, September 20, 2000 Appendix B, App.-1
3. Order of the Court of Appeals of Maryland Pet. Docket 505, Sept. Term, 2000 (No. 570, Sept. Term, 1999, Court of Special Appeals) Cert. Denied, December 18, 2000 Appendix C, App.-12
4. Order of the Court of Appeals of Maryland Pet. Docket 505, Sept. Tem, 2000 (No. 570, Sept. Term, 1999, Court of Special Appeals) Reconsideration denied, March 9, 2001 Appendix D, App.-13

STATEMENT OF JURISDICTION BASIS

1. On Dec. 18, 2000, the Maryland Court of Appeals denied cert. On federal questions, on fundamental issues, Pet. Docket 505, Sept. Term, 2000 Noted: 362 Md. 188(2000). Appendix C.

2. On Jan. 12, 2001, this petitioner filed a Motion for Reconsideration, Supplement & Judicial Notice, tolling time for appeal to this Court. Appendix I, d.

3. On March 9, 2001, the Maryland Court of Appeals rejected this Court's holdings on federal supremacy and denied the motion. Appendix D.

4. This petition is being filed in the Supreme Court of the United States within 90 days of that days that last date (4.b). Thru this effort, and every-other-acceptable-way: may God bless America.

5. Maryland courts are in conflict with federal appellate courts on state authorized action, fundamentals as frivolous, & content bias for: this citizen daring to question that the power elite of Maryland lawyers & judges do not uphold our constitutions & international agreements, & calling for & supporting ye American Revolution.

6. Maryland courts are in conflict with the U.S. Constitution , International Agreements & this Great Court with regard to supremacy, fundamental rights/duties, privileges & immunities, processes due & equal protection, how-so-ever-much they try to evade federal jurisdiction by reliance on state rules & decisions on federal questions.

PROVISIONS RELIED UPON

with texts in Appendix E & following that numbering:

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e. 5th Amendment App.-14
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g. 10th Amendment App.-14
i. 14th Amendment
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k. Due process App.-14
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m. Enforcement App.-14
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.3 #3-403 Jurisdiction App.-21
.5 #3-405 Role ofAttorney General App.-21
.6 #3-406 Rights, status... determined App.-22
.9 #3-409 Discretionary Relief. App.-22
.11#3-411 Form & effect App.-22
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.1 #11B-101 Definitions, common areas...App.-23
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.01 Rule 601 On Competence App.-25
.07 Rule 607 On impeachment App.-25
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.4 Art. 4. Personal freedom of investigation
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.29. Everyone's duty to community & App.-35
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STATEMENT OF CASE

Timely & Properly Raised Federal Questions are "voluminous" throughout this case below, as demonstrated in the Appendices. 10/1/98 saw a new Maryland law limiting speech & assembly, yet allowing limits set by homeowners associations, also this citizen filed suit in A. A. Cir. Ct (APX F) challenging that under ye great 14th Amendment, garden variety due process & equal protection, but also by privileges & immunities of national citizenship & relying on inter-national agreements guaranteeing protection of fundamental rights :"Everything should be FEDERAL QUESTIONS", App.-37. 4/26/99 without hearing or trial said case was dismissed as unintelligible. Freedoms of speech & association-- like earlier fought for ones of religion & expression -- along with due process, equal protection, privileges & immunities, supremacy of: ye federal constitution, this Court, & international treaties/agreements were consistently argued for & found unintelligible & unmentionable, by judges/lawyers in Md Ct Spec. App. & Ct of App., 9/20/00, 12/18/00, 3/9/01, (APX B & J) because, as demonstrable from history--with many smoking guns-- for at least 225 years, law & justice are the monopoly of judges, lawyers & educated snobs of ye power elite in Maryland. This is not written in lawyer-ese because , on the one hand, this citizen challenges that ruling class/status group in defense of our constitutions, and, on the other hand, this independent would-be scholar (LoC study shelf 1142), while trying to follow your rules, utilizes a simpler format & referencing, numerical & alphabetical.

CONCISE ARGUMENT

I . A State can not deny a citizen's privileges & immunities of national citizenship with impunity. (2j, 27, 29, 31, & Harlan 10 & 17)(birth: Feb. 7, 1945, Charleston, SC) (contra courts: APX B & F) . Attention to this issue is atrophied because of lacking reliance on federal fundamentals (2c , 48)Art. VI: federal constitution, acts of Congress, treaties/agreements & ye decisions of ye Supreme Court (relied on throughout, without waiver (10) & studiously avoided by Maryland's judiciary), & international treaties / agreements fundamentals in parallel to our state & federal constitutions (8 & 9). J. Pashman (39:18) noted the difference between those is that one defends an individual's rights & the other restricts government.

International agreements beautifully express defense of fundamental rights of speech, religion & association, due process & equality of treated & protection, (8, 9, 2.i) anathema to the lower state courts in these proceedings, in violation of the federal civil rights acts(4.c, d), & those retained (2.f.g, 3.i).

This may seem a great vision of the 14th Amendment yet it is simply based on what this Court has historically said & the clear words of our constitutions & international agreements. Such higher reliance will be necessary as Maryland, with federal repugnance, nullifies the state & federal bills of rights, federal constitution, & international treaties & agreements--unless our American constitutions & international agreements are only propaganda, dismissible as simply statements of good intentions (1.a, 2.a, 3.a, 8.1, 9.0).

Interlude Alpha : Noble Vision of Struggle for Liberty

At Runnymede, for all the people, noble barons(55) fought with king to preserve ancient (75) fundamental rights of every freeman & forced ye king to promise to always to do justice whilst priests urged on all to treat each & all equally (1.a-d). This struggle was renewed in the English civil war which carried over into the American revolution which returned to those fundamentals for everyone & restraints on government. Both these influenced the French Declaration of rights, simultaneous to the federal bill of rights, but the latter only included, not so much individual liberties, as restraints on the states (66, 57, 72). Our civil war renewed the struggle for equal treatment (65, 2.i 4.c&d) while supposedly the 14th Amendment was gutted at the (27) slaughter-house, an incredible seed of national citizenship was planted(48)--a lot the noble vision (Harlan 20:606). The great civil rights defenses of due process & equal protection of fundamentals against state inference for freedoms of religion, speech & association came forward til today.

Great world wide standards, bought by blood of millions (85), were set up in 1948 by OAS & UN(8, 9), which presidents promised us to uphold as the law of the land & so it is (30, 78). USA & all the world should see these as the foundations of our world society--an argument of 1776, 1787, 1789 & 1948 (J. Chase, Col. Mason--per Mr Madison, & Mr Willkie for our times (74, 67 , 85)). Those who oppose ordered liberty for all, everywhere, all the time, are those who have made history what it is (45).

II. Maryland state encouraged limited free speech & assembly (5.d,) so signs were put on my property & partly in common area (pictures in record ignored by Maryland judiciary App-53,-45).Maryland courts refused to consider either fundamental rights/duties "implicit in the concept of ordered liberty" (Cardozo 23,36) or all aspects of the great 14th (16, 23, APX A-D, F, J). All branches of Maryland government gave homeowners association rights to limit speech & association(5.d). The state appeals (7D)court said(B, App.-9) there was no state action by respondents-- 4th circuit says maybe otherwise for state authorization (37)--but no hearing or trial is OK in this state (contra: 1 b& c, 2 e&h, 3 g&K, 5 a&b, 7.A, 11, 18, 29, 38, 41 & their chief examples had trials 42, 44). At every level accepted was opponent lawyer's assertions while ignored was this citizen's documentary & pictorial evidence (6=7c) should be "discredited attitudes" (14:371). By skillfully relying on state cases & rules on federal questions they avoided those, all to evade federal review of this Court (Contra Frankfurter 28) This denial of process due is repugnant to our federal constitution. State action includes that of the legislature & executive (herein involved) but also the Maryland courts, as further on in the one federal case they deigned to consider (*Shelley*, 26:14). But that case seems wrong: a longtime ago Corwin on the constitution taught that the enforcement clause of the 14th Amendment, the civil rights acts, particularly the KKK Act, protects individual citizens (2.m, 4.c&d). (Somewhere, Roscoe Pound noted that only in english are the words right & duty separate.)

Interlude Betta: Dirty Version of Maryland History

At Magna Carta (1) the big deals were guaranteed fundamentals for individual & making the king promise to be good & high hope was for everyone to treat each other equally. The squabble of the English civil war & would be revolution overcome in our minds by the successful advertising of the "glorious revolution" for upper /middle class restoration, high church & maybe keeping the king in line (57, 61, 66). Americans developed our food fight with king & parliament on how bad they were & how we ought to be free (of taxes) with sub-current fights (84) for fundamental freedoms like speech & equality. Maryland founders were all for Magna Carta guarantees for themselves, the high church & mighty but with no accountability /responsibility for judges (3.f, 74) & none of those non-sense about equality or peaceful assembly (Va & Pa , 68, 79) because those bloody low church troublemakers, called methodists, were daring to mix blacks & white, young & old, men & women, orality & literacy (71, 54) & to seek equal voting , education, & state job chances --undeserving to the lower classes, races religion & sex, & the wrong kind of people (58, Prof. years ago ,by phone, agreed to my summary). The sun shine patriots that partied in the new statehouse in 1783, to welcome the Congress & Gen. Washington, remain on-going til today as the power elite ensconced in that glorious place--which neglects the true 1776 origins of the revolution: convention at city hall, ye woman who kept the printing press going & even thru sons, &

the poor white & free blacks who mustered to defend their home & fight, hear the news, & dare to vote (68, protests noted, on Annapolis web site), so Maryland state propaganda ministry lauds their powers that be. Like that is our amnesia that our notions of equality partly came from pirates & Indians (50, 52, 61, 83--which is a more dangerous idea & condition: equality or freedom?).

Come the civil war the bloody unionist republicans foisted their principle from their slogan (free soil, free speech , free men, Fremont for President) to enact freedom of free speech with responsibility for all in Maryland, but their betters of the ruling class got things back in hand in 1866, summarily rejecting the 14th Amendment , & to further resist the KKK act , reduced free speech to a mere privilege (60, 3j). To this day no one in the power elite: lawyers, legislators, politicians, doctors, educators, publishers, will do anything to fix this or to even tell this truth App.-61/3). Thus history remains hidden.

The courts noted an earlier case wherein I grew plants in pots in front of my abode to share God's love as Jesus taught & consistent with (3.i)"duty to worship God in ways acceptable to Him".. & *Prune Yard* (25). This Court was dissed cause the 'Free" state has a rich heritage of religious intolerance (22, 58), & dismissal shock gave this citizen a stroke.

Responding to *Prune Yard,* there came about a special conference of state justices (69)that I attended in March 1984, but no judge from Maryland went & since then Maryland courts have consistently refused to follow your holdings (25) & have falsely claimed

state & federal bills of rights are in pari materia pretending that "no state shall" is the same as "every free man may". Sic transit gloria mariae terra.

Oct. 31/Nov.1, 1983, I participated in , & rallied the Congress at last to attend, the meeting by which the Good Lord prevent ed nuclear war/winter (76), for which He , like this court in the above, and those proceedings below, gets no credit.

Maryland's recent law requiring vaccination for meningitis for kids rich enough to dorm on college campus (5c) favored those of the ruling strata. My righteous indignation at their neglect of poorer kids at the Methodist childrens' home & other church related day-cares, camps & schools prompted (62) my research on the failure of that effort . Disease follows man's migration of civilization with plants & animals, but any possibility of herd immunity is defeated when only an elite are cared for (51, 53, 56, 62, 73, 77, 80, 82, 86). Moreover just after the new law came into effect to protect select folks, WHO issued a world immunization advisory to protect all adolescents(86). In Maryland, government values some people more than others. (US CDC did not even list WHO online until, during research(62), I complained to Congress.) Once upon a time, the promise of equal protection of the laws meant the protection of equal laws.

"The problem in Maryland is not race but class", an older office lady told me in college. (My higher education was: SJC: classics, AACC: biology, JHU: MAS). Aron summary of Pareto (46) seems true on Maryland: societies are run by elites who govern, rule & maintain their position by means of force & guile.

Max Weber keenly observed that economic classes differed by production, social status groups by consumption. This Court is more open/open-minded (70) than the Maryland High courts, yet most dangerous of power elites are dumbing-down-by-design Hollyhood & Mad. Av. & co. Mafias-of-manip-ulated-minds. Proverb's Wisdom still calls the ignorant in the marketplace of life, & oft is ignored.

III. The intense anger that underlaid the appeals court opinion (APX B) was surprising until history showed more such examples, yet this court should carefully note that what seems to have set them off was the content of my sign which attack an irresponsible(3.f) Maryland judiciary (App.-4) & their content bias(Contra: 32,35, 23, see also 15 & 47: censor-ship on-going in the "free" state). Moreover, by using almost only state cases on federal questions (App-1-11), CSA tried to insulate themselves from your review: which is repugnant to our federal constitution: state courts may not use state practices to evade federal review of federal rights (12, 13, 19,21, 23, 28, 33), & prove a science of mistake (81). Yet another presumption underlies their position: law belongs to lawyers, constitutions to the state, truth & justice to the rightful rulers pf ye power elite. On the one hand, monopolies are odious (3.l) , and on the other, Paine, Lincoln & Nehru all agree (72, 65, 70), those without rights are slaves--which seems deemed the proper condition for this non-lawyer citizen in Maryland courts. (Please affect not surprise: Maryland was founded as a feudal colony.)

All of this has accomplished the denial of fundamental freedom, ordered liberty, rights with responsibility, federal supremacy & international treaties or agreements, which is repugnant & subversive to the federal constitution. Maryland courts can get away with it, if you accept their state dictatorship on law over this citizen , this Court & the federal constitution, international treaties & agreements--& ye American revolution is overturned.

Conclusion

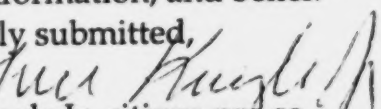
Once appeal would have been automatic in a heart beat, now certiorari is warranted if our federal supremacy & constitution, your decisions, & our international agreements have validity in Maryland. All this could be further briefed with more history & no need for oral argument, heretofore . It would be good to reverse & remand for a real trial & following the federal constitution , the decisions of this court & international agreements--before it is necessary to appeal internationally (OAS & UN). You should check the record below in the all 3 courts to see that federal questions were consistently raised (Story 12:398) and the science of mistakes (81) in action. (Therein you also may find they were unhappy with this citizen learning from & meeting you (LoC, 64), because herein the only speech privileged is with the approval of the power elite &/or state government (3.j). This is part of the on-going struggle for liberty, but based not just feelings but on history & fact (63:99). Some day, may the flag of freedom more truly fly over the yet to be "free state".

Wherefore this great Court is asked to do what is radical, unintelligible & frivolous for the Maryland judicial hierarchy: uphold our American Constitutions for everyone, everywhere, all the time with equal rights & duties for all, & uphold the supremacy of the federal constitution, this Court, your decisions so thoroughly used herein , & international treaties & agreements, and thereunto grant this petition for writ of certiorari.

May God bless America & Our One World (85).

I solemnly affirm under the penalties of perjury that the contents of this paper are true tothe best of my knowledge, information, and belief.

Respectfully submitted,



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Copies:
Opposing Counsel & Maryland Attorney General (with accompanying required certificate of service & federal affidavit will be properly mailed (4.a)),
U. S. Attorney General, Prof. Black, 64.B participants: Assistant Attorney General of Mexico,
former Prime Minister of India , my law teachers: MCSA J. Thieme, AACCC J. North; &Maryland State Senators: Astle & Roesser--nota bene: these fine folks are not involved in others wrongdoing.

APPENDIX A

ORDER OF THE CIRCUIT COURT OF MARYLAND FOR ANNE ARUNDEL COUNTY CASE NO. C-98-49834:

(filed April 26, 1999): ARTHUR KUNGLE JR, Plaintiff, v. INNOVATIVE PROPERTIES, INC., et al.,Defendants, ORDER Upon consideration of Defendants's Joint Motion to Dismiss and (w/o) any (intelligible) response thereto, it is this____day of November, 1998, hereby ORDERED, that the above-captioned case is dismissed as to all Defendants. /s/ James C. Cawood, JUDGE, Circuit Court for Anne Arundel Co. (R=Record pg 267)

APPENDIX B

Opinion of the Maryland Court of Special Appeals: **UNREPORTED** IN THE COURT OF SPECIAL APPEALS OF MARYLAND,

No. 570, September Term, 1999;
ARTHUR KUNGLE, JR. v. INNOVATIVE PROPERTIES, INC., et al.; Moylan, Salmon, Krauser, JJ.; Opinion by Krauser, J.; Filed: September 20, 2000

This is an appeal from an order of the Circuit Court for Anne Arundel County granting appellees' motion to dismiss the complaint of appellant, Arthur Kungle, Jr. Our won review of that complaint, which was filed *pro se*, was difficult and frustrating. The complaint appeared, at points, to be unintelligible. We have been able to conclude, however, that appellant is seeking a declaratory judgment as to the constitutionality of three Maryland statues and his right to erect certain signs under those statutes. It

also appears that he is requesting that he is requesting that appellees, Innovative Properties, Inc, ("Innovative"), the Gentry Homeowner's Association ("GHA") , the Loughlin Management Group ("Loughlin"), and C.S. Lawn & Landscaping, Inc. ("C s Lawn") be prevented from taking down signs that appellant has not yet posted.

Unfortunately, the brief that appellant filed with this Court is no more intelligible than the complaint. It is difficult to ascertain the precise nature of the issues that appellant has presented for our consideration. It appears to us, however, that the principal issues before us or at least the principal issue that merits consideration by us is whether the circuit court erred in granting appellees' motion to dismiss without holding a hearing. While we agree that the circuit court erred in failing to hold such a hearing, we nonetheless conclude that no purpose would be served by
remanding this matter for a hearing. Instead, we shall address at this time the merits of the circuit court's decision.

(Op. Pg 2) **Background**

Appellant resides in "The Gentry," a private condominium development in Annapolis. Appellee Innovative managed The Gentry for appellee GHA until 1994. Loughlin now manages that property. Appellee C s Lawn provides landscaping services for the development's common areas.

The instant case is the second of two cases brought by appellant against all of the appellees, except Loughlin, who presumably has been added to this case because it is now the property manager of

the Gentry. A brief review of the facts of the first case provides a helpful context in which to consider the case before us.

The first case arose during the spring of 1994 when appellant placed potted plants in a common area in front of his home. GHA determined that appellant's actions violated the association's bylaws and informed him that the plants had to be removed. When appellant refused to do so, C S lawn was instructed by GHA to remove them. It did so, and appellant filed a complaint in Circuit Court for Anne Arundel County against all of the appellees (save Loughlin, who was not yet the managing agent for the Gentry), claiming trespass to property, trespass to chattels, conversion and violation of his constitutional rights. The complaint also sought a declaration that #11B-101 (b) of the Maryland Homeowners Association Act was unconstitutional. *See* Maryland Code (1974
(Op . Pg 3)
1996 Repl. vol., 1998 Supp.), #11B-101(b) of the Real Property Article (defining 'common areas'). After a bench trial the circuit court granted the defendants' motion for judgment, and appellant appealed. On April 28, 1998, this Court affirmed the trial court's determination.

On October 1, 1998, approximately five months later, appellant filed in the Circuit Court for Anne Arundel County a second lawsuit--the instant case--against appellees requesting declaratory judgment as to the constitutionality of Maryland Code (1974, 1996 Repl. Vol, 1998 supp.), ##11 (B)-111.2, 111.3 and 111.4 of the Real Property Article and his right to post signs

under those laws. According to appellant, the signs would urge more reliance on god than man, citizens appealing to Congress to affirm fudnamntal (sic) rights repsonsibility (Sic) for all our citizens under the 1948 Organization of American States: Rights & Duties of Man (OAS:RDM) and the United Nations: Universal Delcaraton (sic) of Human Rights (UN:UDHR) by ye 14th Amendments priviledges (Sic) & immunities section (& surely an aspect of national citizenship); (And likely a smaller sign urging citizens to vote only for legislators, executors & judges who will uphold all the American Consitutions (sic) (first Justice Harlan's good phrase).

The complaint also requests an injunction, preventing appellees from taking down the signs, although signs had not yet been posted and appellees had not expressed any intention remove signs. It further avers that appellant planned to place signs in front of his dwelling unit and "in the common area." The

(Op. Pg. 4)

complaint also requests a hearing, before any dismissal of his complaint, "to complete a better record for the U. S. Supreme Court."

Following the filing of this complaint, appellant did apparently place signs in the Gentry's common areas. On October 20, 1998, appellant filed a motion for a preliminary injunction or temporary restraining order against appellees. Motion stated that the signs had been "removed, throw(n) away & borken (sic) up." It does not allege, however, that

appellees had anything to do with the removal or destruction of the signs.

On November 4, 1998, appellees filed a motion to dismiss the instant case on the ground that the complaint fails to state a claim upon which relief could be granted, and, more specifically, that appellees had not taken any action that violates appellant's constitutional rights, and that the complaint does not allege that they had. Even if they had violated appellant's constitutional rights, appellees point out, as they are not agents of the state, appellant's constitutional claims are without merit. Moreover, accompanying the motion was an affidavit from appellee Innovative that it had not had any contact with either appellant or the Gentry since December 31, 1994.

In response, appellant filed a reply, which states that the signs he had erected "were taken down, damaged & thrown away" but does not claim that appellees were responsible for those acts. The

(Op. -pg. 5)

rest of appellant's reply is devoted to addressing appellees' contention that, in the absence of evidence of state action, appellant's constitutional claims must fail. Nowhere in the reply or the complaint, for that matter, is there any allegation that appellees, either individually or collectively, have taken any action that would support appellant's claim that his rights have been violated. Indeed, his reply, as noted by the circuit court in its order granting the motion to dismiss, is not an "intelligible response" to that

motion. Unfortunately, however, the circuit court did not hold a hearing, as required by Maryland Rule 2-311 (f), before granting that motion. That rule provides, in part, that the court " may not render a decision that is dispositive of a claim or defense without a hearing if one was requested as provided in this section." Moreover, this Court has "consistently held that where a hearing has been properly requested under Rule 2-311 (f), the court must hold a hearing if a decision on the motion would be dispositive of a claim or defense." *Briscoe v. Mayor and City Council of Balt.*, 100 Md. App. 124, 127-28 (1994)(citing *e.g., EMI Excavation, Inc. v. Citizens Bank*, 91 Md. App. 340, 341, *cert. Denied*, 327 Md. 523 (1992); *Johnson v. Baker*, 84 Md. App. 521, 538 (1990), cert. Denied, 322 Md. 131 (1991)). Because appellees requested a hearing, the court was bound to hold one. Nonetheless, as noted earlier, it serves no purpose to remand this case to the circuit court for a hearing on appellee's motion to

(Op. Pg 6)

dismiss what is a patently frivolous complaint.

In reviewing a motion to dismiss for failure to state a claim upon which relief can be granted, we apply the following standard:

(W)e must assume "the truth of all well-pleaded facts, as well as the reasonable and logical inferences which may be drawn therefrom." The pleader must allege facts with specificity, and this Court need not consider wholly conclusory charges in a complaint. Further, "any ambiguity or uncertainty in the

allegations bearing on whether the complaint states a cause of action must be construed against the pleader." **Dismissal is only proper if, after the allegations of the complaint are construed in this light, the facts and allegations in the complaint would fail to afford the plaintiff relief if proven.** *Minikhi v. Mass Transit Admin.*, 127 Md. App. 497, 510 (1999) (citations omitted) (emphasis added).

Applying that standard, we conclude that, even if the allegations of the complaint in the instant case are proven, they do not afford the appellant the relief he requests, and therefore the complaint was properly dismissed by the circuit court. In his complaint, appellant asks the court "to make Declaratory Judgments of rights, status & responsibilities (sic) under the Declratory (sic) Judgements act, and to issue timely Injunctions in order to preserve the status quo, especially once the signs go up, and to do whatsoever else is needed, required & proper." Neither form of relief can be granted pursuant to the complaint filed by appellant.

Declaratory Judgment

(Op. Pg. 7)

Appellant's complaint does not allege facts that, if proven, entitle appellant to declaratory decree. Appellant appears to be seeking a declaration that ## 11(B)-111.2, 111.3, and 111.4 of the Real Property Article are unconstitutional, or that he has a right to place signs in the Gentry's common areas, or both. In any event, appellant fails to allege a basis to obtain either form of declaratory relief.

Sections 11(B)-111.3 and 111.4 have nothing to do with the allegations of appellant's complaint. Section 11(B)-111.3 concerns the "(d)istribution of written information and materials" and not signs on property controlled by a homeowners' association. Only #11(B)-111.4 concerns meetings organized to discuss issues relating to the functioning of a homeowners association. Only #11(B)-111.2 has the slightest relevancy to this action. Section 11(B)-111.2 renders unenforceable, with exceptions, any "recorded covenant or restriction," "a provision in a declaration," or "a provision in the bylaws or rules of a homeowners association" that restricts or prohibits the display of a "candidate sign" or other "sign that advertises the support or defeat of any question submitted to the voters" for thirty days before the election or vote and seven days after the vote. This law excepted homeowners' association' restrictions on the display of signs in common areas. See #11(B)-111.2 (c)(1).

Appellant, however, does not allege that GHA has any

(Op. pg. 8)

restrictive covenant or provision in its declaration, or in its bylaws or rules, that restricts the placement of sings in the common areas. Moreover, appellant does not allege, assuming such a restriction exists, that appellees have enforced, or are enforcing, that restriction. Nor is it clear how a declaration that #11(B)-111.2 is unconstitutional will provide appellant with the relief he seeks, as it is not

applicable to common areas. The statute in question extends the right of individuals, not homeowners' associations, and declaring that statute unconstitutional would not render invalid a homeowners' association restrictions on the display of signs in common areas.

Additionally, appellant fails to allege any nexus between the anticipated actions of appellees and state action, and none is apparent to this Court. *See Wassif v. North Arundel Hospital Assoc., Inc.*, 85 Md. App. 71, 82 (1990) ("A business that subjects itself to state regulation does not by that circumstance convert its action into that of the state for purposes of the due process clause of the Fourteenth Amendment...") This Court has stated that "(t)he protections afforded to citizens by the Fourteenth Amendment (which would include the first amendment protections sought by appellant)...do not apply to private conduct. Those provisions only apply to actions occurring under color of state law or sufficiently controlled by the state as to be considered state action." Id. At 78; *see also Shelley v. Kraemer*

334 U.S. 1, 13 (1948) (stating that "the action inhibited by the first section of the Fourteenth Amendment is only such action as may fairly be said to be that of the states. That amendment erects no shield against merely private conduct, however discriminatory or wrongful.") As the possible removal of appellant's signs by appellees does not constitute state action, nor does appellant allege that it does, the circuit court

properly granted appellees' motion to dismiss as to that claim.

Injunctive Relief

Appellant also requests that appellees be "enjoined," presumably from removing the signs. A complaint seeking injunctive relief must allege facts from which the court can determine that the acts sought to e enjoined will results in substantial injury to the plaintiff if the relief is not granted. *See Baumohl v. Columbia Jewelry Co. Of Annapolis, Md.*, 209 Md. 278, 288-89 (1956); *Waam Inc. v. Ober*, 199 Md. 203, 206 (1952). The mere allegation, however, that irreparable damage or injury will occur unless injunctive relief is granted is not sufficient; the complaint must allege facts which will satisfy the court that the plaintiff's apprehension is well founded. *See Cohen v. Frey & son, Inc.*, 193 Md. 285, 291 (1949); *Smith v. Shiebeck*, 180 Md. 412, 421 (1942); *Coster v. Department of Personnel*, 36 Md. App. 523, 525-26(1977). Not only does appellant's complaint fail to claim that he will suffer irreparable injury unless he is granted injunctive relief,
(Op. Pg. 10).
But not facts are alleged to support such a claim. Indeed, as stated earlier, appellant fails to allege that appellees have taken, or even have threatened to take, any action with regard to appellant's signs. Nor does he even allege that appellee GHA places any restrictions on the placement of signs in the common areas of the Gentry. His complaint states only that he

plans to put a sign or signs) in front of his abode (and likely in the common area" and requests that the court issue an injunction "in order to preserve the status quo, especially once the signs go up." Appellant thus fails to meet the minimum pleading requirements for obtaining injunctive relief, and the circuit court therefore properly dismissed his complaint for failing to state a claim upon which relief can be granted.

JUDGMENT AFFIRMED.

COSTS TO BE PAID BY APPELLANT.

APPENDIX C

ORDER OF THE COURT OF APPEALS OF MARYLAND, Petition Docket No. 505, September Term, 2000 (No. 570, Sept. Term, 1999, Court of Special Appeals): ARTHUR KUNGLE JR v. INNOVATIVE PROPERTIES, INC., et al.: ORDER

Upon consideration for the petition for a writ of certiorari to the Court of Special Appeals, the motion to supplement, correct & extend, the motion for first addition to supplement, and the answer filed thereto, in the above entitled case, it is ORDERED, by the Court of Appeals of Maryland, that the motions be, and they are hereby granted, and it is further ORDERED, that the petition be, and it is hereby, denied as there has been no showing that review by certiorari is desirable and in the public interest.

/s/ Robert M. Bell, Chief Judge, DATE: December 18, 2000. (Noted: 362 Md. 188 (2000)

APPENDIX D

ORDER OF THE COURT OF APPEALS OF MARYLAND, Petition Docket No. 505, September Term, 2000 (No. 570, Sept. Term, 1999, Court of Special Appeals):

ARTHUR KUNGLE JR v. INNOVATIVE PROPERTIES, INC., et al.: ORDER The Court having considered the motion for reconsideration, the supplement and answer filed thereto in the above entitled case, it is ORDERED, by the Court of Appeals of Maryland, that the motion for reconsideration and supplement be, and they are hereby, denied.

/s/ Robert M. Bell, Chief Judge,

DATE: March 9, 2001

APPENDIX E

TEXT OF PROVISIONS RELIED UPON

1. MAGNA CARTA: John, by the grace of God, King of England... 1. In the first place have granted to God and by this our present Charter have confirmed, for us and heir in perpetuity, that the English church shall be free, and shall have its rights undiminished and its liberties unimpaired;... We have also granted to all the free men of our realm for ourselves and heirs for ever, all the liberties written below, to have and hold, them and their heirs from us and our heirs. 39. No free man shall be taken or imprisoned or disseised or outlawed or exiled or in any way ruined, nor will we go or send against him, except by the lawful judgment of his peers or by the law of the land. 40 To no one will we sell, to no one will we deny or

delay right or justice. 60. All these aforesaid customs & liberties which we have granted to be held in our realm as far as it pertains to us towards our men, be observed by all men of our realm, both clerk & lay, as far as it pertains to them, towards their own men (From J.C. Holt's Magna Carta, 2nd ed. 1992, nota bene: above 1215, original, Coke & Dulany--and hence ye Carrols, Chase, Paca & co in 1776--relied on M.C. 1225 of Henry III, renumbering above 39 & 40, as 29 & 30.) (R: 42/43)

2. CONSTITUTION OF THE UNITED STATES:
Preamble: WE THE PEOPLE of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessing of Liberty to ourselves and our Posterity, do ordain and establish this CONSTITUTION for the United States of America.
ARTICLE IV, Section 2. The citizens of each state shall be entitled to all Privileges & Immunities of Citizens in the several States.
ARTICLE VI (2nd paragraph): This Constitution and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or laws of any State to the Contrary notwithstanding.

AMENDMENT 1: Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; r the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.
AMENDMENT V: No person shall be....deprived of life, liberty, or property without due process of law...
AMENDMENT IX: The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.
AMENDMENT X: The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.
AMENDMENT XIV: Section 1: All persons born or naturalized in the United states, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United states, nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws. (R: 43/44)
Section 5. The Congress shall have power t enforce, by appropriate legislation, the provisions of this article.

3. CONSTITUTION OF MARYLAND - DECLARATION OF RIGHTS (=MDR) -- (Preamble)
We the People of Maryland, grateful to Almighty God for our civil and religious liberty, and taking into our serious consideration the best means of establishing a good Constitution in this State for the sure foundation and more permanent security thereof; declare:
ARTICLE 1: That all Government of right originates from the People , is founded in compact only, and instituted solely for the good of the whole; and they have at all times, the inalienable right to alter, reform or abolish their Form of Government in such manner as they may deem expedient.
ARTICLE 2: The Constitution of the United States, and the Laws made, or which shall be made, in pursuance thereof, and all Treaties made, or which shall be made under the
authority of the United States, are, and shall be the Supreme Law of the State; and Judges of this state, and all the People of the State, are and shall be bound thereby; anything in the 'Constitution or Lw of this State to the contrary not-withstanding.
ARTICLE 3: The powers not delegated to the United States by the Constitution thereof, nor prohibited to the States, are reserved to the States, respectively, or the people thereof.
ARTICLE 5: That the Inhabitants of Maryland are entitled to the Common Law of England, and the trial by Jury, according to the course of that Law, and to the benefit of such of the English statutes as existed

on the Fourth of July seventeen hundred & seventy-six; and which, by experience, have been found applicable their local & other circumstances, and have ben introduced, used & practiced by the Courts of Law or Equity..,

ARTICLE 6: That all persons invested with the Legislative or Executive powers of Government are the Trustees of the Public, &, as such accountable for their conduct: Wherefore, whenever the ends of Government are perverted, & public liberty manifestly endangered, and all other means of redress are ineffectual, the People man, and of right ought, to reform the old, or establish a new Government; the doctrine of non-resistance against arbitrary power and oppression is absurd, slavish and destructive of the good and happiness of mankind.

ARTICLE 19: That every man, for any injury done to him in his person or property, ought to have remedy by the course of the Law of the Land, and ought to have justice and right, freely without sale, fully without any denial, and speedily without delay, according to the law of the land.

ARTICLE 24: That no man ought to be taken or imprisoned or disseized of his freehold, liberties or privileges, or outlawed, or exiled, or in any manner, destroyed, or deprived of his life, liberty or property, but by the judgment of his peers, or by the Law of the land.

ARTICLE 36: That as it is the duty of every man to worship God in such manner as he thinks most

acceptable to Him, all persons are equally entitled to protection in their religious liberty; wherefore, no person ought by any law to be molested in his person or estate, on account of his religious persuasion, or profession, or for his religious practice, unless, under the color o religion, he shall disturb the good order, peace or safety of the State or shall infringe the laws of morality or injure others in their natural, civil or religious rights, not ought any person to be compelled to frequent, or maintain, or contribute, unless on contradict, to maintain , any place worship, or any ministry, no shall any person otherwise competent, be deemed incompetent as a witness, or juror, on account of his religious belief, provided, he believes in the existence of God, and that under His dispensation such person will be held moral accountable for his acts, and be regarded or punished therefore either in this world or in the world to come. Nothing shall prohibit or require the making reference to belief in, reliance upon, or invoking the aid of God or a Supreme Being in any governmental or public document, proceeding activity, ceremony, school, institution, or place. Nothing is this article shall constitute an establishment of religion.

ARTICLE 40: That the liberty of the press ought to be inviolably preserved; that every citizen of the State ought to be allowed to speak, write and publish his sentiments on all subjects, being responsible for the abuse of that privilege.

ARTICLE 45: This enumeration of Rights shall not be

construed to impair or deny others retained by the People. (R: 44/47)
Art. 41. That monopolies are odious, contrary to the spirit of a free government, and the principles of commerce, and ought not to be suffered.

4. STATUTES OF THE UNITED STATES
18 U.S.C. Sec. 4 Misprison of felony. Whoever, having knowledge of the actual commission of a felony cognizable by a court of United States, conceals and does not as soon as possible make known the same to some judge or other person in civil or military authority under the United States, shall be fined under this title or imprisoned not more than three years or both.
Sec. 1341 Frauds & swindles: Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretense, representations, or promise, or to sell, dispose of, loan, exchange, alter, give away, disturb, supply, or furnish or procure for unlawful use any counterfeit or spurious coin, obligation, security, or other article, or anything represented to be or intimated or held out to be such counterfeit or spurious article, for ht purpose of executing such scheme or article or attempting so to do, place in any post office or authorized depository for the mail matter, any matter or thing whatever to be sent or delivered by the Postal service, or deposits or causes to be deposited any matter of

things whatever to be sent or delivered by any mail or carrier according to the direction thereon, or at the place at which is directed to be delivered by the person to whom it is addressed, any such matter or thing, shall be fined under this title or imprisoned not more than five years or both...

28 U.S.C. 1257 (a) **State Courts: certiorari**

Final judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court by writ of certiorari where the validity of a treaty or statute of the United States is drawn in question or where the validity of a statute of any State is drawn in question of the ground of its being repugnant to the Constitution, treaty, or laws of the Untied States, or where any title, right , privilege , or immunity is special set up or claimed under the Constitution or the treaties or statues of, or any commission held or authority exercised under, the United States.

42 U.S.C. 1983: Civil Action for deprivation of rights.

Every person who, under color of any statue, ordinance, regulation custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within its jurisdiction thereof to the deprivation of any right, privilege, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity or other proper proceeding for redress.

42 U.S.C. 1985 (3) Depriving persons of rights or privileges (Klu Klux Klan Act):If two or more persons in any State or Territory conspire or go in disguise on the highway or premises of another, for the purpose of depriving, either directly or indirectly any person or class of persons of equal protection of the laws, or of the equal privileges and immunities under the law...(in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is inured in his person or property, or deprived of having and exercising any right privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages, occasioned by such injury or deprivation, again any one or more of the conspirators.) (R: 47)

5. STATUTES OF MARYLAND

a. Statutes made at Westminster,
Anno. 28 EDW. III, and A.D. 1354.CAP III.

No Person shall be condemned without his Answer. ((English & old French, & per MDR 5 & Maitland) Item, That no man of what Estate, or condition that he be, shall be put out of Land, or Tenement, nor taken, nor imprisoned, nor disinherited, nor put to Death, without being brought in answer by due Process of Law. //Item que nul homine de quel estate our condicion quil soit ne soit oste de terre ne de tenement ne pris nemprisone ne deshirte ne mis a la

mort saunz estre mesne en respons par due proces de lei. (from : Alexander's British Statutes in Force in Maryland, 1870, (from Chancellor Kilty's Report on all such English Statutes...1811)Kilty observes...that the long enjoyment of a right may make people forget the origin of it... This...is recited in the preamble to...the Act abolishing the Star-Chamber. (R: 48)

b. Maryland Uniform Declaratory Judgement Act(Courts and Judicial Proceedings, MD Ann. Code)
#3-402 Purpose and construction of subtitle.
This subtitle is remedial Its purpose is to settle and afford relief from uncertainty and insecurity with respect to rights, status, and other legal relations. It shall be liberally construed and administered.
#3-403 Jurisdiction (a) In General: Except for the District Court, a court of record within its jurisdiction may declare rights, status, and other legal relations whether or not further relief is or could be claimed. An action or proceeding is not open to objection on the ground tat declaratory judgement or decree is prayed for.
#3-405 (c) Role of Attorney General— If the statute...is alleged to be unconstitutional, the attorney General need not be a party but, immediately after suit has been filed, shall be served with a copy of the proceedings by certified mail. He is entitled to be heard, submit his views in writing within a time deemed reasonable by the court, or see intervention

pursuant to the Maryland rules.
#3-406 Any person interested under a deed...or whose rights, status, or other legal relations are affected by a statute... rule or regulation...may have determined any question of construction arising under the... statute...rule or regulation...and obtain a declaration of rights, status, or other legal relations under it.
#3-409 Discretionary Relief. (A) in general--Except as provided in subsection (d) (an exception in divorce or annulment.), a court may grant a declaratory judgment or decree is a civil case, if it will serve to terminate the uncertainty or controversy giving rise to the proceeding, and if: (1) An actual controversy exists between contending parties. (2)Antagonistic claims are present between the parties involved which indicate imminent and inevitable litigation; or (3) A party asserts a legal relation, status, right, or privilege and this is challenged or denied by an adversary party, who also has or asserts a concrete interest in it.
(C) Concurrent remedies not bar for declaratory relief. A party may obtain a declaratory judgment or decree not withstanding a concurrent common-law, equitable, or extraordinary legal remedy, whether or not recognized or regulated by statute.
#3-411 Form and effect of declaration.
The declaration may be affirmative or negative in form and effect and has the force and effect of a final judgment or decree.

c. Disease Prevention - Health-General, MD Ann. Code. #18-102. Infectious and contagious diseases (a) *Rules and regulations.*--The Secretary shall adopt rules and regulations necessary to prevent: (1) The introduction of an infectious or contagious disease into this State; or (2) The spread of infectious or contagious disease in this state. (B) *Vaccination against meningococcal disease for on-campus residents.*-- (1) Except as provided in paragraph (2) of this subsection, an individual enrolled in an institution of higher education who resides in on-campus student housing shall be vaccinated against meningococcal disease. (2) (exemptions & waivers) (3) (colleges don't have to pay for the shots) (4) (Secretary shall implement by regulations)

d. Maryland Homeowners Association Act (Real Property, MD Ann. Code):
#11B-101. Definitions
(b) Common areas. --
"Common areas" means property which is owned or leased by homeowners association. ...
(g) Governing body... means the homeowners association, board of directors , or other entity to govern the development.
#11B-111.2 Candidate or proposition sign
(Editors note to "take effect Oct. 1, 1998")
(a) In general.--In this section, "candidate sign" means a sign on behalf of a candidate for public office or a slate of candidates for public office.

(b) Exceptions.--Except as provided in subsection (C) of this section, a recorded covenant or restriction, a provision in a declaration, or a provision in the bylaws or rules of a homeowners association may not restrict or prohibit the display of:

(1) A candidate sign; or

(2) A sign that advertises the support or defeat of any question submitted to the voters in accordance with Article 323 of the Code

(c) Restriction.--A Recorded covenant or restriction, a provision in a declaration, or a provision in the by laws or rules of a homeowners association may restrict the display of a candidate sign or a sign that advertises the support or defeat of any proposition:

(1) In the common areas;

(2) In accordance with provisions of federal, State, and local law; or

(3) If a limitation to the time period during which signs may be displayed is not specified by a law of the jurisdiction in which the homeowners association is located, to a time period not less than:

(i) 30 days before the primary election, general election, or vote on the proposition; and

(ii) 7 days after the primary election, general election, or vote on the proposition. (1998, ch. 439)

#11B-111.3 Distribution of written information and materials. (c) *Written information or materials.*-- Except for reasonable restrictions to the time of distribution, a record covenant or restriction, a provision in a declaration, or a provision of the

bylaws or rules of a homeowners association may not restrict a lot owner from distributing written information or materials regarding the operation of or matters relating to the operation of the homeowners association in any manner of place that the governing body distributes written information or materials.(1998, chs. 440, 564)
#11B-111.4 Meetings. (B) Meetings.--- Subject to reasonable rules adopted by the governing body, lot owners may meet for the purpose of considering and discussing the operation of and matters relating to the operation of the homeowners association in any common areas or in any building or facility in the common areas that the governing body of the homeowners association uses for scheduled meetings. (1998, Chs. 440, 564)

6. Federal Rules of Evidence (R: 54)
Rule 401. Definition of "Relevant Evidence":.. means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.
Rule. 601. General Rules of Competence..Every person is competent to be a witness except as otherwise provided in these rules...
Rule 607. Who may impeach. The credibility of a witness may be attacked by any party, including the party calling the witness.

Rule 610. Religious Beliefs or Opinions: Evidence of the beliefs or opinions of a witness on matters of religion is not admissible for the purpose of showing that by reason of their nature the witness' credibility is impaired or enhanced.

7. Maryland Rules

A. Rule 2-311 (f)**Hearing --Other Motions.** A party desiring a hearing on a motion, other than a motion filed pursuant to Rule 2-532, 2-533, 2-535, shall so request in the motion or response under the heading "Request for Hearing." Except when a rule expressly provides for a hearing, the court shall determine in each case whether a hearing will be held, but it may not render a decision that is dispositive of a claim or defense without a hearing if one was requested as provided in this section.

B. Rule 2-535 **Revisory Power**

(a) Generally. On Motion of any party filed within 30 days after entry judgment, the court may exercise revisory power and control over the judgment and, if the action was tried before, the court, may take any action that it could have taken under Rule 2-534. (Motion to alter or amend judgment).

(b) Fraud, Mistake, Irregularity. On Motion of any party filed at any time, the court may exercise revisory power and control the judgment in case of fraud, mistake, or irregularity.

C. Maryland Rules of Evidence

Rule 5-401 Definition of relevant evidence...means

any evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.
Rule 5-601. General rule of competency. Except as otherwise provided by law, every person is competent to be a witness.
Rule 5-607 Who may impeach. The credibility of a witness may be attacked by any party, including the party calling the witnesses.
Rule 5-610 Religious beliefs or opinions. Evidence of the beliefs or opinions of a witness on matters of religion is not admissible for the purpose of showing that by reason of their nature the witness' credibility is impaired or enhanced, except that such evidence may be admissible to show interest or bias.

D. Appellate Rules :
Rule 8-131 **Scope of Review (a) Generally...** Ordinarily, the appellate court will not decide any other issue unless it plainly appears by the record to have been raised in or decided by the trail court, but the Court may decide such an issue if necessary or desirable to guide the trial court or to avoid the expense and delay of another appeal.
(c) Action Tried without a Jury. When an action has been tried without a jury, the appellate court will review the case on both the law had the evidence.

It will not set aside the judgment of the trial court the evidence unless clearly erroneous, and will give due regard to the opportunity of the trial court to judge the credibility of the witnesses.

E. Other Special Proceedings: Chapter 500.

Injunctions

Rule 15-501 Injunctions — Definitions ....

(a) " Injunction" means an order mandating or prohibiting a specified act. (b) "Preliminary Injunctions" means an injunction granted after opportunity for a full adversary hearing on the propriety of its issue but before a final determination of the merits of the action(c). Temporary restraining Order means an injunction ranted without opportunity for a full adversary hearing on the propriety of its issue

15-502 ...(b) Issuance at Any Stage... (c) ((whether or not an)) Adequate Remedy at law, ...(d) Not Binding Without Notice,... (e) Form & Scope: An order granting an injunction shall (1) be in writing or on the record, (2) set forth the reasons for issuance; (3) be specific in terms; and (4) describe in reasonable detail, and not by reference to the complaint or other document, the act sought to be mandated or prohibited..

15-505 (a) Notice. A Court may not issue a preliminary injunction without notice to all parties and opportunity for a full adversary haring on the propriety of its issuance.

Treaties & International Agreements
(In R. b. Lillich, International Human Rights Instruments (1990) (R: 55-61, Oct 1, 1998)

8. American Declaration of Rights & Duties of Man (OAS, May 2, 1948) Whereas:

The American Peoples have acknowledged the dignity of the individual, and their national constitutions recognize that juridical& political institutions, which regulate life in human society, have as their principal aim the protection of the essential rights of man & the creation of circumstances that will permit him to achieve spiritual & material progress & attain happiness:

The American States have on repeated occasions recognized that the essential rights of man are not derived from the fact that he is a national of a certain state, but are based upon attributes of his personality. The international protection of the rights o man should be the principal guide of an evolving American law: The affirmation of essential rights by the American states together with the guarantees given by the internal regimes of the states establish the initial system of protection considered by eh American states as being suited to present social & juridical conditions, not without a recognition on their part that they should increasingly strengthen that system in the international field as conditions become more favorable,

The Ninth International conference of American States Agrees To Adopt the following:

AMERICAN DECLARATION OF THE RIGHTS & DUTIES OF MAN Preamble:

All men are born free & equal, in dignity & in rights, &, being endowed by nature with reason & conscience, they should conduct themselves as brothers one to another. The fulfilment of duty by each individual is a prerequisite to the rights of all. Rights and duties are interrelated in every social & political activity of man. While rights exalt individual liberty, duties express the dignity of that liberty. Duties of a juridical nature presuppose others of a moral nature which support them in principle & constitute their basis. In as much as spiritual development is the supreme end of human existence & the highest expression thereof, it is the duty of man to serve that end with all his strength & resources. Since culture is the highest social & historical expression of that spiritual development, it is the duty of man to preserve, practice & foster culture by every means within his power. And since moral conduct constitutes the noblest flowering of culture, it is the duty of every man always to hold in high respect.

Art. 2 All persons are equal before the law and have the rights & duties established in this Declaration, without distinction as to race, sex, language, creed or any other factor.

Art. 3 Every person has the right freely to profess a religious faith, and to manifest and practice both in public and private.

Art 4. Every person has the right to freedom of

investigation, of opinion, and of the expression and dissemination of ideas, by an medium whatsoever.
Art. 17. Every person has the right to be recognized everywhere as a person having rights and obligations, and to enjoy the basic civil rights.
Art. 18. Every person may resort to the courts to ensure respect for his legal rights. There should likewise be available to him a simple, brief procedure whereby the courts will protect him from acts of authority that, to his prejudice, violate any fundamental constitutional rights.
Art. 21 Every person has the right to assemble peaceable with others in formal public meeting or an informal gathering, in connection with matters of common interest of any nature.
Art. 22. Every person has the right to associate with others to promote, exercise & protect his legitimate interests of a political, economic, religious, social, cultural, professional, labor union or other nature.
Art. 24 Every person has the right to submit respectful petitions to any competent authority, for reasons of either general or private interest, and the right to obtain a prompt decision thereon.
Art. 25. No person may be deprived of his liberty except in the cases and according to the procedures established by preexisting law. No person may be deprived of liberty for the nonfulfillment of obligations of a purely civil character. Every individual who has been deprived of his liberty has the right to have the legality of his detention

ascertained without delay by a court, and the right to be tried without undue delay or otherwise, to be released. He also has the right humane treatment during the time he is in custody.
Art. Every accused person is presumed to be innocent until proved guilty. Every person accused of an offense has the right to be given an impartial & public hearing, and to be tried by courts previously established in accordance with preexisting laws, and not to receive cruel, infamous or unusual punishment.
Art. 28. The Rights of man are limited by the rights of others, by the security of all, and by the just demands of the general welfare and the advancement of democracy.
Duties:
Art . 29 It is the duty of the individual to so conduct himself in relation to others that each and every one may fully develop his personality.

9. UNIVERSAL DECLARATION OF HUMAN RIGHTS UN, Dec. 10, 1948) Preamble:
Whereas recognition of the inherent dignity & of the equal & inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world. Whereas disregard & contempt for human rights have results in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech, & belief & freedom

from fear & want has been proclaimed as the highest aspiration of the common people. Whereas it is essential, if man is not to be compelled to have recourse,, as a last resort, to rebellion against tyranny & oppression, that human rights should be protected by the rule of law. Whereas it is essential to promote the development of friendly relations between nations, whereas the peoples of the United Nations have in the charter reaffirmed their faith in fundamental human rights, in the dignity & worth of the human person & in the equal rights of Men & women & have determined to promote social progress & better standard of life in larger free. Whereas Member states have pledged themselves to achieve, in cooperation with United Nations, the promotion of universal respect for & observance of human rights & fundamental. Freedoms, Whereas a common understanding of these rights & freedoms is of the greatest importance for the full realization of this pledge.

Now therefore, The General Assembly Proclaims this Universal Declaration of Human rights as a common standard of achievement for all peoples & all nations, to the end that every individual & every organ of society, keeping this Declaration constantly in mind, shall strive by teach & education to promote respect for these rights & freedoms & by progressive measures, national & international, to secure their universal & effective recognition & observance, both among the peoples of Member States themselves and

among the peoples of territories under this jurisdiction.

Art. 1 All human beings are born free & equal in dignity & rights. They are endowed with reason & conscience & should act towards one another in a spirit of brotherhood.

Art. 2. Everyone is entitled to all the rights & freedoms set forth in this Declaration without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore no distinction shall be made on the basis of political, jurisdictional or international status of the country or
territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limited sovereignty.

Art. 6. Everyone has the right to recognition everywhere as a person before the law.

Art. 7. All are equal before the law & are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration & against any indictment to such discrimination.

Art. 8. Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Art. 9. No one shall be subjected to arbitrary detention or exile.

Art. 10 everyone is entitled to full equity, to a fair & public hearing by an independent & impartial tribunal, in determination of the rights & obligations & of any criminal charge against him.
Art. 17.1 Everyone has the right to own property alone as well as in association with others.
.2 No one shall be arbitrarily deprived of his property.
Art. 18. Everyone has the right to freedom of thought, conscience & religion; this right includes freedom to change his religion or belief, & freedom, either alone, or in community with others & in public or private to manifest his religion or belief in teaching, practice, worship & observance.
Art. 19. Everyone has the right to freedom of opinion & expression; this right includes freedom to hold opinions without interference & to seek, receive & impart information & ideas through any media & regardless of frontiers.
Art. 20. 1. Everyone has the right to freedom of peaceful assembly & association.
.2 No one may be compelled to belong to an association.
Art 29.1 Everyone has duties to the community in which alone the free & full development of his personality is possible.
.2 In the exercise of his rights & freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose securing due

recognition & respect for the rights & freedoms of others & of meeting the just requirements of morality, public order & the general welfare of society. .3 These rights & freedoms may in any case be exercised contrary to the purposes & principles of the United Nations.

APPENDIX F (R: 6 -12)

IN THE CIRCUIT COURT FOR ANNE ARUNDEL COUNTY, MARYLAND C 94-49834 OC

ARTHUR KUNGLE JR... vs. INNOVATIVE PROPERTIES, INC. (II).....GENTRY HOMEOWNER'S ASSOCIATION....THE LOUGHLIN MANAGEMENT GROUP... C & S LAWN & LANDSCAPING.....

COMPLAINT & REQUEST FOR DECLARATORY JUDGMENT & INJUNCTION

Comes now the Plaintiff, Arthur for himself (& indirectly for all our people) to show & then as the Honorable Court: (noting well: THIS IS MEANT AS A FRIENDLY SUIT). A. Today, October 1, 19998 three (3) new laws come into effect regarding Homeowner's associations (HOA) fundamental rights: Exhibit 1: SB 18, from Sen. Roesser et al, Chap. 564 Adv sheet., Ex. 2, HB 38, from Del. Kach et al, Chap 440 Adv sheet ...Ex. 3 HB 36, from Del .Kagan et al Chap 439 adv., sheets (more particularly on political signs). The overwhelming House of Delegates & Senate votes (Exs. 4 -6)....B. This plaintiff lives at #8 Gentry Court, and this controversy follows upon earlier 94-14604, before Judge Wolff, 97-1352 Md CSA (Unreported &

false opinion of THE Judge Murphy). 98-233 Ct App. Cert den.--probable petition to U.S. Supreme Court on federal grounds of Maryland's nullifying both two (2) unanimous Supreme Court decisions & the Maryland Constitution's Declaration of rights (how-so-ever-much-that-was-the original-intention-of-1776 founders). But that case differed slightly: lst amendment Parallels denying (irrelevant) state action versus this exact lst amendment references & hence 14th Amendment application & International agreements originating form 1776 bills of rights of Va., Pa. , Del, Md. & N.C. , particularly. Therefore everything should be FEDERAL QUESTIONS.

c. Plaintiff plans to put a sign (or signs) in front of his abode (and likely in the common area) urging: more reliance on god than man, citizens appealing to Congress to affirm fundamental rights with responsibility for all our citizens under the 1948 Organization of American State: Rights & Duties of Man (OAS:RDM) and the United Nations: Universal Declaration of Human rights (UN:UDHR) by ye 14th amendments privileges & immunities section (& surely an aspect of national citizenship); (and likely a smaller sign urging citizens to vote only for legislator, executors & Judges who will uphold all the American constitutions (first Justice Harlan's good phrase).

Exhibit 7: as of 1985 comparison of federal/state/int. Parallels ((nota bene: exactly as handed to J. Breyer, March 10, 2000, p.m., LoC Bicentennial symposium Democracy, Liberty & Law, NYULS)).

COUNTS:
1. Challenging the constitutionality of SB 18;
2. Challenging the constitutionality of HB 38;
3. Challenging the constitutionality of HB 36;
4. On all above with regard to the 14th Amendments privileges & immunities section: both petition to Congress & reliance on international agreements--which we in USA hood every other country on earth responsible for except us--certainly aspects of national citizenship.
5. The 14th's due process clause--descended from MDR & all from Magna Carta , 1215: #39 & 40 (//MDR 24 & 19)
& 19)--how can the legislature properly delegate due process, especially to defendants (except for new managing agent Loughlin group) who have adamantly denied any process would ever be due?
6, The 14th's equal protection clause--how is equal protection for the legislature to delegate & divide the giving out of the lst & l4th Amendment rights (or duties) to citizen residents? & 7. 1st Am. Freedom of religion (or no establishment): how can some assembly & some speech be allowed & no religion?
8. 1st Am. Freedom of speech& press: how can speech or press (such as this writer's occasional : ROT OR RAG? (With thanks for the inspiration of Fred Friendly's great Minnesota Rag the true story of Near v. Minnesota) be limited to one month every other year?

9. 1st Am Freedom of assembly or association--how can a state fairly decide without any trial who can associate with whom or what particular matters can be assembled about?
10. 1st Amendment--Petition how very much like King Geog. III in his squabble with his then people about petitioning & "Wilkes & liberty forever" & "those wild American" but how can a state fairly allow or negligently encourage any state agents (which defendants are by today's law, the Supreme's decision, and clear 4th Federal circuit decision)?
D. & Now repeating earlier issues from stand-point of what Wilkes & S. Adams, & B. Franklin, P. Henry & j. Rutledge so valiantly struggled for in the 1770-s: individual liberty and not as the King & his henchmen claimed mere license but Ordered liberty, reciprocal liberty, natural liberty (only chiefly slave & serf mentality of Md & co was hegemonic liberty, see Albion's seed). Like unto those is "right with responsibility" from Pa. 1790 freedom of speech thru Ky. 1792, & Md 1864 & now bowdlerized 1867 (showing bigotry thriving in the " free" state). But since our state constitution & declaration of rights have been obliterated, evaporate and/or nullified, even while noting MDR provisions, it is UN & OAS international agreements that are primary emphasis. (May the court note well: by the Helsinki accord & the American Conventions somewhat subsidiary act, Presidents Ford & Carter pledged the United states of America to live up to the 1948 human rights

instruments, moreover none of the 1776 bills of rights were submitted to the people for a vote--although Va, Pa, & Md did issue progress reports (over strenuous objection of the Maryland signers of the Declaration of Independence and their lawyer, judge & law-makers richly landed& enslaving ilk.)
(In most ways these all fall under 4 above & the Supremacy Clause).
11. Due process: MDR 24 & 19, MC 39 & 40, OAS: 25 & 26, Un 9 & 10.
12. Equal protection, though putatively imputatively implied in above, this above all the Maryland founders feared to be the Va. & Pa. Infection among the lower classes
(& vast majority of the people). OAS 17 & 18, UN 1
13. Freedom religion and conscience. OAS 3 & UN 18
14. Freedom of speech, press, expression & communication:...OAS 4 & UN 19.
15. Freedom of association & assembly (& organization & marching), OAS 21, 22, 24 & UN 20
& Responsibility " 27 & 29 & 29. Obviously again no Maryland provision because the Maryland founders found the common folk best for canon fodder serfs, slaves & such low life beneath the landed'Gentry! But assemble together ??? Good God forbid saith they, why that most dangerous of all 1776 sects could meet with equal numbers of white & black, men & women, young & old, daring to read & horribly in low & not HIGH church settings; the METHODIST, (See Prof. Hoffman's excellent: A

Spirit of Dissension)--it is sad beyond measure that 100 years later America similarly persecuted & martyred four (4) of the Salvation Army, as earthly Lord Acton so well observed: History was not made with clean hands.
16 Petition: MDR & OAS 21, 22, 24 & UN 20
E. Proposed sign should be Ex. 8. No HOA has had time to set up new procedures--which would add more agent's act.
F. Texts of provisions relied on are Ex. 9, from 97-1352.
G. Opposing counsel is likely to again be the excellent Mr Christopher Buck, and as before, while sparring on issues, surely good efforts should be cooperatively for court efficiency--this time on references will be give, unlike the last where copies of the references were provided & ignored: 9000 pages in the tradition of Brandeis & Marsahll & Reverdy Johnson.
H. While ye Loughlin group are now Gentry HOA managing agent, and C& S Lawn their agent for taking of property, probably:
17. (&Pro forma) Innovative Prop. Seems likely to have met with counsel & some other defendants & agreed to (or conspired) to deny & thereby undermine & subvert our American Constitutions. Thus they are a(ll) permissively joined, also connections clarify
18 Far worse & a betrayal of office, oath, people & law & liberty is Maryland's high courts false in pari materia doctrine of state to federal provisions, where

true connection is international agreements: one are restraint on government, the others are standards for right with responsibility for all citizens, at all times, in all places. 'T'would seem clear: the best ways for the American Constitutions to be, is not bits & pieces & bailing wire, but a system of seamless web, of noble aspect, protecting & enabling for everyone, everywhere always. (Or else: (R. Jeffers);"shine perishing Republic:)

I. The false decision of THE Judge Murphy masks principles & distorts truth by fanciful invention by makes Federal aspect clear--therefore all or key part of unreported opinion in Ex. 10. WHEREFORE, THIS Honorable Court is asked to make Declaratory Judgments of rights, status & responsibilities under the Declaratory Judgments act, and to issue timely Injunctions in order to preserve the status quo, especially once the sings go up, and to do whatsoever else is needed, required & proper.

REQUEST FOR HEARING & TIMELY SCHEDULING

Before any of the above is unfairly & summarily denied or dismissed, some sort of hearing is sought a, at least to complete a better record for the U. S. Supreme court, the Maryland Attorney General & the General Assembly..On the other hand, assurances & common sense--which my late mother said I would never have--seems that nay trial must take place when it its convenient for state legislators to testify, an in general much of session is buy and in particular

the last week is frantic Obviously THIS IS A CASE OF FIRST IMPRESSION.

May the Good Lord god less Maryland real good, as our beloved Late comptroller used to say, and may this effort be in His service & a benefit to all our people. Respectfully submitted, Arthur Kungle Jr P. O. Box 365, Annapolis, Maryland 21404, 410-263-8241 Certificate of Service: Obviously by summons & certified mail defendants & our great Maryland attorney General will be served.... A Kungle Jr....(Proposed Order)..... EXHIBITS

1. SB 18, Chap. 564 1998 Advance Sheets,
2. HB 38, Chap. 440 1998 " "
3. HB 36, Chap. 439 1998 " "

((Now found in MD Department of Legislative Services: Laws of the State of Maryland - 1998, pages: .2592-2602, 2153-2162, 2149-2162, respectively, including the original, then stricken, 1st Amendment quotations.))

4. Seq. 1204 & 1053, House & Senate votes, SB 18
5. Seq. 1502 & 1151, " " " , HB 38
6. Seq. 1499 & 1150, " " " , HB 36
7. Circa 1985: state/federal/international fundamental parallels.((copy handed to Justice Breyer, March 10, 2000))
8. Proposed sign order of Oct. 1, 1998 via fax to Signs-in-1-Day.
9. Texts of provisions relied on, from 97-1352.
10. Appropriate text from THE Judge Murphy's decision, please note well the skillful avoidance of

Justice Marshall in Prune Yard v. Robbins & Judge Markel in Niemtoko v. Md. By the time this reaches trial in this court perhaps this researcher can get beyond comparisonof 1776 MDR versions, 1776 new state fundamental provisions, to the roots in John Wilkes North Briton , and further fruits in 1948, thus following the encouragement
of Alan Nevins & co. to seek more the comparative aspects of history (for examples see: R.R. Palmer, The Age of Democratic Revolution.).
11. Petition to U. S. Congress 10/1/98, re: Int. Hu. Rts. Agreements. TRUE COPY, TEST: Robert P. Duckworth, Clerk, By /GRS ((??)) Deputy (R: 14)

Ex. 1 - 3, ((final laws permitted certain meetings & comments, then political signs, but the original SB 18 & HB 440, then HB 439, stricken word underlined, directly quotethe US. 1st Amendment)): For the purpose of authorizing ...homeowners association lot owners to assemble in certain areas for certain purposes... ((i.e. make 'certain' ' comments'))..... ((then)) WHEREAS, The right to free speech is a fundamental right guaranteed to the citizens of this state by both the United States Constitution and the Maryland Declaration of Rights; and WHEREAS, The right of political expression is one of the most basic rights of free speech; and WHEREAS, The restriction by homeowners association, condominiums, and cooperative housing corporations, or political speech of its residents is

contrary to the principles of free speech, now therefore .....((1998 LAWS OF MARYLAND, 2592 & 2153, then 2150))

Ex. 8 (R: 37) Oct 1, 1998
Signs in One Day 337 K Hospital Drive, Glen Burnie, Md 21061 Gentlesir: Here are proposed sign saying, I will call from the Library of congress, if possible, to confirm text and size of sign(s): a. the larger (probably 36/48 to right next to my abode at * Gentry Ct under the hang & behind yew bushes & up against the brick wall:

Fellow Americans: trust God more than man & pray for our land & Appeal to Congress to affirm fundamental rights for all our citizens by OAS & UN International Agreements

& B & smaller for out in the common areas in preparation for our 1998 & 2000 elections:

Fellow citizens: vote only for those who will uphold all our American Constitutions for all our people, everywhere, all the time.

Prayerfully, too, there is a copy of money order that will be rushed to you as down-payment on this effort. Thanks for your help. Arthur Kungle Jr Box 365, Annapolis, Md 21404 ((attached)) WESTERN UNION MONEY ORDER $50.00 02-520042650 TO Signs in a Day... A Kungle Jr 21404-0365 K Patmore Authorized Representative

Appendix G

A.A. Co. Cir. Ct. Case No. 98-49834, Kungle v. Innovative P.

DEFENDANTS' JOINT MOTION TO DISMISS AND MEMORANDUM IN SUPPORT THEREOF

COMES NOW, Innovative Properties, Inc.((=IP)), Gentry HOA... by and through their attorneys, Christopher D. Buck...and file this Joint Motion to Dismiss and in support thereof state as follows:

THE PARTIES

The Plaintiff (=Plain.) is a resident of the Gentry, a private condominium development located in Annapolis, Maryland. Defendant Innovative Properties, Inc has absolutely no relationship to the property or to the plain. concerning the allegations contained in his Complaint.

In 1994, the Defendant IP acted as property manger for Gentry HOA ((MD Gen. Ass. & MCSA abbreviation)), but has not held such a position since its contract with The Gentry expired on December 31, 1994. The Gentry HOA is the entity that was created to oversee the property when the complex the complex was built by the developer. The Gentry enforces the covenants and restrictions regarding the property, as well as takes care of other issues pursuant to their powers as granted.

The Loughlin Management Group (=Loughlin, per MCSA) is the current management agency hired by the HOA to deal with day-to-day issues faced by the property. C.& S. Lawn & Landscaping (=C & S) is

the landscaping contractor which cuts lawns, trims bushes, and maintains the grounds of the premises, pursuant to an agreement
with the Gentry.

DISMISSAL OF INNOVATIVE PROPERTIES, INC.

Plain. fails to state a claim for which relief can be granted against Innovative properties. The sole reference to this Defendant is contained in paragraph 17 of Plaintiffs's Complaint, which alleges that the Defendant has somehow agreed to or "conspired" to undermine and subvert the "American Constitutions." How this relates to the relief requested is unknown. As referenced in the attached Affidavit of Barbara Neville, President of IP has had no contact ((with Plain. or property since 1994, except for 1996 testimony in this court regarding 1994 events)). In addition, this Defendant does not, has not, supported or enforced any position regarding the Constitutionality of the three statues as applied to Plain. or as they exist. As a result, Defendant IP should be dismissed...

DISMISSAL OF GENTRY HOA, LOUGHLIN AND C & S The other three defendants ...have not caused, nor does Plain. allege that any of these three Defendants have taken any such action that would deny Plain. his Constitutionally protected rights, or taken any action that would support Plain.'s claims. Plain.'s Complaint specifically paragraph C states that he "plans to put up...signs..." Plain. fails to allege any act by any of the Defendants which would

support a cause of action against them individually or as a group. The only statute of the three mentioned by Plain. that seems applicable to anything in his complaint is Real Prop. Art. Sect. 11B-111.2 which became effective Oct. 1, 1998. That rendered unenforceable any restriction or covenant or provision of a homeowner's association which sought to restrict a homeowner from erecting a candidate sign....That law did not render unenforceable any restriction to display such a sign in a common area. It is plain from the face of Plain's own complaint he intends to place signage on both((his property & common area of HOA)). Whether he has done so or not at this point is irrelevant, as ... Defendants have taken any action to enforce any such restriction((in HOA bylaws &tc to stop that--& no allegation of any such restriction)). Even if Defendants had taken some enforcement action, it is clear from Plains own complaint that the content of his signs is not protected by the new statute for which Plain. Seeks a judicial determination concerning Constitutionality.

NO STATE ACTION

Further, the crux of Plains complaint seems to be focused upon allegations concerning Plains rights & protections under Federal Constitutional Law, specifically, the First & Fourteenth amendments. ((Quote MD CSA "no shield against merely private conduct" Shelley v. Kraemer 334. U.S. 1, 13 (1948))). Plain. Has not provided or made any allegation regarding wrongful acts taken by the Defendants in

this case, and even if he had, there is no nexus between the private entities, which are the defendants in this case and State action, which would be required to support such a claim ((14th does "not apply to private conduct" Wassif, V. North Arundel Hospital Assoc.., 85 Md. App. 71, 78 (1990). There is no allegation contained in any of plains pleadings that the private Defendants are State actors in any sense Finally, the claims made by Plain. Are premature & brought against parties which have taken no action which would in any way launch a review of the Constitutionality of the three statues which Plain. Seeks in this action. As Plan. Has wholeheartedly failed to state a claim upon which relief may be granted, dismissal is appropriate as to all four defendants...WHEREFORE.....Christopher D. Buck... 21404-2000 Certificate of Service....Nov. 4, 1998..(R:171-176) ((& out of order R:170: **REQUEST FOR HEARING**))

APPENDIX H

PLAINTIFF'S REPLY TO MOTION TO DISMISS & TO DENY AGAIN OUR AMERICAN CONSTITUTIONS

Comes now Plain...to show:

1. Defense correctly notes new state laws, then narrows that 1, & correctly notes 2 signs were involved while avoiding related freedoms exercise: one in the common area in front of my abode at 8 Gentry court relating to voting in the upcoming 1998

election and now upcoming 200 elections, and next to my abode urging prayer, assembly & petition: to god & Congress & related to international agreements. But these they would not allow. 2, Said signs were ordered, bought & paid for, & placed in front o f 8 Gentry for one day before those were taken down, damaged & thrown away: this Court has been properly informed of the Annapolis Police Department's Investigation of same. Defense notes that the new statutes refers to them. 3. Defense's main point: not state action is refuted thus: "to determine state action a court must engage in sifting facts & weighing circumstances" Taylor v. Maryland School for the Blind, 409 F. supp. 408, 151 (1976). "...The deprivation must be caused by the exercise of some right or privilege created by the state or by a rule of conduct imposed by the State....Lugar v. Edmondson Oil, 457 U. S. 922, 937 (1982) "...a State becomes responsible for a private party's act if a private party acts (1) in an exclusively state capacity, (2) for the state's direct benefit, or (3) at the state's specific behest. Modaber v. Culpeper Memorial Hospital, 674 F2nd, 1023, 1025 (4th Circ. , 1982).

4. The statues refers to signs or speech and meetings, or assembly, and signs used speech and encouraged true religion, assembly & petition to U. S. Congress. If the foregoing does not refute defense denial of our American Constitutions to all & the lst Amendment, consider." The First Amendment, which the Fourteenth makes applicable to that states, declare

that "Congress shall make no law...": Murdock v. Pennsylvania 319 U.S. 105, 108 (1943) "where lst Amendment interests are raised, however, they must be vindicated prior to the disposition of other claims." Bancroft Information v. Comptroller, 91 Md app. 100, 108"The Supreme court has allowed, in lst Amendment Cases, plaintiff whose won activities are unprotected to assert the rights of another in order to protect society's lst Amendment Interests." Lucas v. Curran, 856 F. Supp. 260, 266 (D. Md, 1994) "Regulations or statute's)...validity depends upon whether they are necessary to further compelling state interests American Party of Texas v.White, 415 U.S. 767, 780 (1974). "Discrimination because of opinions about religion is one of the classic examples of equal of the equal protection of the laws. State v. Madison 240 Md 265, 274 (1965). 5. Note also that Madison reaches back to an earlier Maryland reversal by the Supremes on common areas: Niemotko v. Maryland 340 U. S. 268 (1951)--one of the greatest disgraces in Maryland's history. 6. Even if the defense were not implicated by precedents: this Court completes the circle: "State action which is reviewable under the Fourteenth Amendment is the composite result of both legislation & its judicial interpretation"Wheeling steel v. Glander, 337 U. S. 562, 570 (1949). 7. Moreover, this plaintiffs reliance on inter-national Agreements (or Treaties) & Privilidges & Immunities sections deliberately tracked both those agreements & their 1776 American States basis--

& the leading Supreme Court case, supposedly gutting this clause, either the Nation & the supremes are a bunch of phonies, liars & hypocrites (for which there is some authority & Much popular broohaha) or else what they id & it was both worthy & worthwhile--moreover 19th Cent. Courts could not curtail 20 cent. Treaties & Int. Agreements(See" Slaughterhouse Cases 83 U.S. 36 (1872) &"If the Fourteenth Amendment has absorbed them, the process of absorption has had its source in the belief that neither liberty not justice would exist if they were sacrificed." J. Cardozo's last decision:
Palko v. Connecticut, 302 U.S. 319, 326 (1937) 8. Many folks, from USAG Thornbourough on down, have accused this writer, plain., of being an historian, whether or no to that, history is alive in this struggle for liberty today. 9. Earlier, present & later affidavits adumbrate the facts. 10 Permissive joinder, per Md rules, & defendants on-going history of anti-constitutional, -bills of rights, -fundamental freedoms attitude bring in all defendants, esp as this K v. IP (I) 11. This motion to dismiss serves as a motion for summary judgment--which are not favored in Maryland in preference to trails. 12. This cleverly avoids Answering--contrary to Md Rules. WHEREFORE, this Honorable Court is requested to deny the defense motion to dismiss as contrary to our American Constitutions. Respectfully submitted, Arthur Kungle Jr....21404-0365 Certificate of Service

APPENDIX I

Revisory Motion under Rule 2-535 "for revision of unfair judgment dismissal & show irregularity, fraud & mistake..by Proof Positive.." (R: 288) (attached) (R: 284):PROOF POSITIVE: THIS COURT OVERTURNS YE FEDERAL CONSTITUTION & NULLIFIES YE BILL OF RIGHTS ...Pictures showing that legislators (Lawyers & Judges) have fundamental rights guaranteed by our Federal Constitution particularly in the 1st & 14th Amendments, but that ordinary citizens are not allowed, in Maryland, the same: pictures of the Gentry & citizen & politician signs in common areas ...IV 7A & 11A citizen signs, disallowed, for Constitutions & leading politicians, allowed (& voted for: Sen. Astle, Dels. Busch, Clagett & not: Gov. Glendening). QED(R: 287)

APPENDIX J

Maryland Appellate Briefs Questioned Presented

1. In the Maryland Court of Special Appeals (APX B)

a. Feb. 02, 2000, Appellant Kungle brief:

1. Whether statutorily encouraged & constitutionally guaranteed responsible freedom of expression can be fairly ignored & denied by courts, homeowners associations & their agents? 2. Whether a circuit court can fairly deny fundamental principles without process due & contrary to the law of the land? 3.Whether our Maryland courts can not fairly deny our constitutions & honestly pretend that is equal protection of law?

b. Feb. 28, 2000, Appellee's joint brief (by Mr C. D.Buck): 1. Did appellant waive any complaint regarding the absence of a formal hearing concerning appellees joint motion to dismiss by failing to raise that issue withe the lower court and by making only cursory reference to the issue in this court?
A. Appellant failed to raise an appealable issue,
B. appellant waived any complaint regarding the absence of a hearing in the lower court.
C. Based upon the appellant's waiver of any complaint concerning a hearing in the lower court, this court need not address wether the lower court erred pursuant to Maryland rule 2-311(f) in failing to provide a hearing on appellees joint motion to dismiss.

c. Mar. 20, 2000, Appellant Reply brief:

4. There was no trial below contrary to our American constitutions. 5. There was no waive of fundamental principles, nor of the birthrights of all Americans. 6. America's Constitutions & International Agreements do count & are for people all the time every where--Thanks be to God.

2. In the Maryland Court of Appeals (.APX D)

a. Nov. 6, 2000, Petition for Writ of Certiorari:

Alpha. As in the Court of Special Appeals (Respondents' included as interlude..((as above,)).
Beta. Mistakes of the Court of Special Appeals (also repugnant to federal constitution): Is it not mistakable & repugnant:

VII. To find frivolous &/or unintelligible:
a. constitutional challenges, rather than fundamental;
b. citizen's ideas like convicted prisoners, but no trial;
and c. with judicial class & intellectual snobbery: d.
contemptible, repeating British fights for freedom,
precedent to American Revolution, with regard to
trails, judicial prejudice & seditious libel, freedom of
speech & elections? VIII. (Ordinary errors usually
assigned, adopted pg 2 by ref.) To accept & favor
attorney hearsay assertions without cross
examinations and make false factual assertions, they
rely o those, without hearing trial or oral argument
above or below? IX. To uphold Maryland tradition
of inequality, in following state action limitations,
whilst disregarding, alternatives historical,
constitutional & congressional? To find: arguably
respondents are not state agents, and incredibly that
neither the executive, nor legislature, nor judiciary of
Maryland government are state agents?

Gamma: Maryland Statutes Repugnant:
Federal Constitution (implied by CSA Op.): XI. Are
Maryland Rules, same as federal ones, not repugnant
on federal questions? XII. Considering it's history
avoiding KKK act , is not MDR 40 void & repugnant?
XIII. Considering MDR 6 Maryland judges are
irresponsible, and this class bias for lawyers & judges
have persisted for 225 years, how is that not also
repugnant?

XIV. Since Maryland Courts, follow King John, & not the Barons & freemen at Runnymede, as was brought into dialogue by this citizen into dialogue, at the Library of Congress (=LoC) Bicentennial Symposium, Democracy & Law, March 2000(#3), including US Supremes, how is not repugnant to our federal constitutions where Maryland Courts offer less Magna Carta & Fundamental freedoms contrary to Maryland J. Marshall's concurring for states to offer more, as well as deny parallel fundamental guarantees in International agreements? XV. How is it not repugnant for a state to deny the privileges & immunities of National citizenship to American citizens, including this one? XVI. How is it federal repugnant a state's denial to citizens of perfections treaties & international agreements, and without proving the hypocrisy of the west?

b. Nov. 13, 2000, Respondent's Answer to "...Petetioner's Request, unfortunately, follows the same pattern of almost incomprehensible and indiscernible arguments which stray almost as far rom the path of the very limited issue presented and decided in the lowers as is possible. While petitioner's vast knowledge of history, constitutional law and the foundations of our basic freedoms and rights is vast and impressive, their application to this case & his Request is misplaced. 2. The only issue which faces this court is whether the underlying complaint failed to state a claim upon which relief could be granted, and, if so, was dismissal proper. These are not new,

novel, or pressing issues to this court and have been well discussed and examined historically, through an extensive body of case law. 3. In short, there is no anomaly exist in this case which sets this matter apart from the common everyday legal issues that should enjoy there (sic) final resting place with the determination of the Court of Special Appeals and not deplete this Court's time, energy and efforts.....
C. D. Buck,...21404-2400...certificate of service.."
c. Nov. 16, 2000, Petitioner's Motion to Supplement, Correct & Extend & (related) Nov. 21, 2000 Motion for First Addition to Supplement((most relating to Holy Days religious opportunity to help the Salvation Army in Maryland & Missouri.)).
d. Jan. 12, 2001, Petitioner Motion for Reconsideration, Supplement & Judicial Notice.
1. (Versus lawyer/judge ruling class in Maryland) reminding the Court as first J. Harlan dissented, "Whether the phrase in our American constitutions, national or state, be 'law of the land' or 'due process of law', it means in every case the same thing. Hurtado v. Cal. 110 U. S. 516, 543 (1884)(= Cardozo, 503 (1998)" & "Freedom of speech and of the press ...are among the fundamental personal rights and liberties protected by the due process clause of the 14th Amendment from impairment by the States...Gilow v. New York, 268 U.S. 652, 666 (1925) 2. Birth certificate & citizenship vs. State courts evading federal constitution/ treaties, contra Staub v. City of Baxley, 355 U.S. 313, 318, J. Frankfurter, dis.&

"No doctrine of this court rests upon more solid foundation, or is more fully valued and cherished, than that which sustains its appellate power over State Courts where the Constitutions, laws and treaties of the United states are drawn in question, or where any right is asserted under a state law or authority in conflict with them." William v. Bruffy, 102 U. S. 248, 253 (1880). 3. 69 USLW 12-05-01(in prexy election mess) relied on Minnesota v. National Tea, 309 U.S. 551, 557 (1940) "...it is equally important that ambiguous or obscure adjudication by state courts do not stand as barrier to determination by this Court of the validity under the Federal Constitution of state action."' which relate back to, along with Cardozo, my great teacher, J. Story, Crowell v. Randall, 10 Pet (US) 368(1836): which calls for a new American Revolution.

Y1 Attached To Supplement

Nones to Ides of January 2001
Annapolis Area Sign Companies--
Per Yellow Pages: Annapolis Signs, 91 Gibralter,
Arundel Signs, Defense Highway & South Haven Rd,
Graphic Systems, 1225 Gemini Drive,
Mealey Signs, 2 Willow St,.
Signcraft, 1805D Virginia St.,
Signs by Tomorrow, 2134 General's Highway,
Wayne Signs, 2057 Industrial Drive

Gentlefolk:

In 1998 I had some constitutional/political signs made up in Glen Burnie (copy of Oct 1, 1998 letter to Signs In One Day attached or on reverse side). Such signs will be required again to place at my abode at 8 Gentry Ct., Annapolis, Maryland, 21403, but utilizing your nearer services seem preferable. The signs would be the same as before, with addition, to the second, as suggested by the Maryland Court of Special Appeals, plus a third & newly appropriate sign, with these saying:

1. Fellow Americans: trust God more than man & pray for our land & appeal to Congress to affirm fundamental rights for all our citizens by OAS & UN International Agreements.
2. Fellow citizens: vote only for those legislators, executives & judges who will uphold all our American constitutions.
3. Fellow Marylanders: our constitutions & bills of rights have been stolen from our people by judges & lawyers: Let us join together to renew the American Revolution.

Thanks for sharing your rates for preparation of such signs, and for your kind attention to this matter. May God bless America, Maryland & manunkind.

Copies: free press, esp. Ark. Dem.
Annapolis, Anne Arundel
County, Maryland & USA
Maryland & USA officialdom

Truly,
Arthur Kungle Jr
Citizen
....21404-0365

Postscript: For those who wonder what the problem with lawyers & judges are, It is this for 225 years they have worked together to keep non-lawyers under their thrall. Consistently the Maryland courts of appeals have: a . denied the unanimous US Supreme Court, led by Md J. Marshall, in Prune Yard v. Robbins that states can offer more protection in state bills of rights, but Maryland courts hold our constitutions, and class system, is separate but equal, and there are no rights but only privileges such as allowed by lawyers & judges, thus freedom of speech & religion, trials & process due, & protection of equal laws, is by their grace & favor. Most recently they have denied that America born citizens have any privileges or immunities of national citizenship in these United States of America, and treaties guaranteeing fundamental rights & duties for every citizen & human, only apply to other nations. Which is all because, as the editor of the Arkansas Democrat, Paul Greenburg, recently noted: there are two classes, separate but equal in the USA, lawyers and all other citizens-which has been the fundamental principle, & struggle, in Annapolis & Maryland, since the summer of 1776, as reported then in the Maryland Gazette, predecessor of the Annapolis Capital, free press. Believe it or not, check it out or not, ignorance is bliss, but as G. Mason noted in VA 1776: friends of liberty require frequent recurrence to fundamental principles forgotten ideas in a media mafia age of regression to orality, instead of advancing further in literacy. See also Proverbs. Thus: the prayer for manunkind.

Y 3 Attached to Supplement

Free Press of Maryland Ides of January, 2001
College, Community & Daily:
AACC Campus Crier, Loyola Greyhound, JHU News-Letter, Essex CC Montage, Catonsville CC Red & Black, UM Diamondback, Hood Today, Salisbury State Flyer, Montgomery Col. Excalibur, WMC Phoenix: Baltimore Afro-American, Aegis, Blade News, Maryland Gazette, Kent Co. News, Howard Co. Times, Crisfield Times, Dundalk Eagle, Hancock News, Oakland Republican, Maryland times-Press, Calvert, Somerset Herald , Jeffersonia, Enquirer Gazette, Maryland Independent:" Capital., Baltimore Sun, Daily banner, Cumberland Times News, Cecil Whig, Frederick New Post. Daily Main & Morning Herald, Star-democrat, Montgomery Journal, Daily times & Carroll Count times (per Gale's Directory) Re: advertising rates for constitutional improvements (unimportant to the ignorant & snobs) Gentlefolks: Whereas 225 years ago the Maryland & American Revolution occurred, and our state bill of rights was enacted by a legal power-elite in struggle with Maryland minutemen of all classes/races, and in spite of our civil war, the separate but equal class status has henceforth been enforced by the Maryland Courts of Appeals, disregarding protecting all, clandestinely protecting a ruling class of lawyers & judges, and their allies among legislators will not correct this hidden history of

class discrimination for the high & mighty of Maryland, thus the only recourse seems to be appeal to the people of Maryland , thru ads in the free press, not yet all in slave to the media mafia which manipulates most citizen's minds, for ordered liberty; freedom paid bor by the blood of good men & women for ages past. More simply & direct would be advertising rousing our citizens to amend ye Maryland Declaration of Rights in these particulars. Art. 6, Require judicial, as well as legislative & executive, responsibility. Art. 40, Remove the power elite's limitation of free speech as a privilege, since 1867 , & restore, the preferable Unionist 1864 principles of liberty & freedom. And also to add clauses for equality--disfavored for 225 years whatever previous the propaganda has indoctrinated you, and freedom of assembly, preferably 1776 clauses from PA & NC, dangerous to MD 1776 high church founders because of low church threat. to their position. If you visit our fair Capital, of Annapolis, you will find some historical improvement the City hall, web site, but still not sings to tell that the revolution & convention took place at City Hall, ye olde MD Gaz. Was kept printing by the diligence of a women, & free blacks & poor whites gathered to muster, vote & hear the news, in a preliterate age, on Church Circle, Instead, you will find state house publicity lauding the festivities & worth of ye 17873 +sunshine patriots--&oy implication high & mighty succeeding Maryland officialdom (& Did your history books tell you

either that Md was last to ratify ye 14th Amendment (1953), or that Plessey v. Ferguson, except for education & other SCOTUS requirements, per Maryland High Courts, is the law of the land?) I look forward to hearing from you about you ad rates to advance liberty in the " free state".

Truly, Arthur Kungle Jr 21404-0365
copies: City & co.. Officialdom, US Congress in Annapolis, Md Gen Ass Bd of Pub. Wks, Md AG, Md Power-Elite Courts of Appeal

((On March 9, 2001, the Maryland Court of Appeals denied the motion for reconsideration, hence the appeal to the Supreme Court of the United States. There has been little or no response to requests for sign prices or ads in the so called free press to tell the truth contained herein. --little wonder Robinson Jeffers' great poem saith: "Shine Perishing Republic!".))